

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	DA 02-0901
Amendment to the Fee)	
Schedule for the Processing)	
of Requests for Agency Records)	
Pursuant to the Freedom)	
of Information Act)	

ORDER

Adopted: August 13, 2002

Released: September 6, 2002

By the Managing Director:

1. The Freedom of Information Act (FOIA) requires federal agencies to establish a schedule of fees for the processing of requests for agency records in accordance with fee guidance issued by the Office of Management and Budget (OMB).¹ In 1987, OMB issued its Uniform Freedom of Information Act Fee Schedule and Guidelines.² However, because the FOIA requires that each agency's fees be based upon the direct cost incurred by the agency in providing FOIA services,³ OMB did not provide a unitary, government-wide schedule of fees.

2. The Commission based its FOIA Fee Schedule on the grade level of the employee who processes the request. Thus, the Fee Schedule was computed at a Step 5 of each grade level, based on the General Schedule effective January 1987 (including 20 percent for personnel benefits). The Commission's rules provide that the Fee Schedule will be modified periodically to correspond with modifications in the rate of pay approved by Congress. See 47 CFR Section 0.467 (a)(1) note.

3. By this order, the Commission is revising the schedule of fees set forth in Section 0.467 of its rules, 47 CFR Section 0.467,⁴ for the recovery of the full, allowable direct costs of

¹ 5 U.S.C. Section 552(a)(4)(A)(i).

² 52 FR 10012 (March 27, 1987).

³ 5 U.S.C. Section 552(a)(4)(A)(iv).

⁴ These fees may be restricted or waived in accordance with 5 U.S.C. Section 552(a)(4)(A); 47 CFR Section 0.470.

searching for and reviewing agency records requested pursuant to the FOIA and the Commission's rules, 47 CFR Sections 0.460, 0.461. The revisions correspond to modifications in the rate of pay, which was approved by Congress.

4. These modifications to the Fee Schedule do not require notice and comment because they merely update the Fee Schedule to correspond to modifications in rates of pay, as required under the current rules.

5. Accordingly, pursuant to the authority contained in Section 0.231(b) of the Commission's rules, 47 CFR Section 0.231 (b), IT IS HEREBY ORDERED, that, effective upon publication in the Federal Register, the Fee Schedule contained in Section 0.467 of the Commission's rules, 47 CFR Section 0.467, is amended, as described herein.

Federal Communications Commission

Andrew S. Fishel
Managing Director

AMENDATORY TEXT

Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended to read as follows:

Part 0 - COMMISSION ORGANIZATION

1. The authority citation for Part 0 will read as follows:

AUTHORITY: 47 U.S.C. Section 155, unless otherwise noted.

2. Section 0.467 is amended by revising paragraph (a) to read as follows:

* * * * *

Section 0.467 Search and Review Fees

(a)(1) * * * The fee is based on the grade level of the employee(s) who conduct(s) the search or review, as specified in the following schedule:

Grade	Hourly Fee
GS-1	10.72
GS-2	11.66
GS-3	13.15
GS-4	14.76
GS-5	16.51
GS-6	18.41
GS-7	20.46
GS-8	22.66
GS-9	25.03
GS-10	27.56
GS-11	30.28
GS-12	36.29
GS-13	43.15
GS-14	51.00
GS-15	59.99

Note: These fees will be modified periodically to correspond with modifications in the rate of pay approved by Congress.

(2) The fees in paragraph (a)(1) of this section were computed at Step 5 of each grade level based on the General Schedule effective January 2002 and include 20 percent for personnel benefits.

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6712-01

FEDERAL COMMUNICATION COMMISSION

47 CFR PART 0

[DA 02-0901]

Freedom of Information Act

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission is modifying a section of the Commission's rules that implements the Freedom of Information Act (FOIA) Fee Schedule. This modification pertains to the charge for recovery of the full, allowable direct costs of searching for and reviewing records requested under the FOIA and the Commission's rules, unless such fees are restricted or waived. The fees are being revised to correspond to modifications in the rate of pay approved by Congress.

Dates: Effective [Insert date of publication in the Federal Register].

FOR FURTHER INFORMATION: Shoko B. Hair, Freedom of Information Act Officer, Office of Performance Evaluation and Records Management, Room 5-C406, Federal Communications Commission, 445 12TH Street, S.W., Washington, DC 20554, (202) 418-1379 or via Internet at shair@fcc.gov.

SUPPLEMENTARY INFORMATION:

The Federal Communications Commission is modifying §0.467(a) of the Commission's rules. This rule pertains to the charges for searching and reviewing records requested under the FOIA. The FOIA requires federal agencies to establish a schedule of fees for the processing of requests for agency records in accordance with fee guidelines issued by the Office of Management and Budget (OMB). In 1987, OMB issued its Uniform Freedom of Information Act Fee Schedule and Guidelines. However, because the FOIA requires that each agency's fees be based upon its direct costs of providing FOIA services, OMB did not provide a unitary, government-wide schedule of fees. The Commission based its FOIA Fee Schedule on the grade level of the employee who processes the request. Thus, the Fee Schedule was computed at a Step 5 of each grade level based on the General Schedule effected January 1987 (including 20 percent for personnel benefits). The Commission's rules provide that the Fee Schedule will be modified periodically to correspond with modifications in the rate of pay approved by Congress. See 47 CFR Section 0.467(a)(1) note.

In an Order adopted on August 13, 2002 and released on September 6, 2002(DA-02-0901), the Managing Director revised the schedule of fees set forth in 47 CFR Section 0.467 for the recovery of the full, allowable direct costs of searching for and reviewing agency records requested pursuant to the FOIA and the Commission's rules, 47 CFR Sections 0.460, 0.461. The revisions correspond to modifications in the rate of pay, which was approved by Congress.

These modifications to the Fee Schedule do not require notice and

comment because they merely update the Fee Schedule to correspond to modifications in rates of pay, as required under the current rules.

Accordingly, pursuant to the authority contained in Section 0.231(b) of the Commission's rules, 47 CFR Section 0.231 (b), IT IS HEREBY ORDERED, that, effective on [**insert date of publication in the Federal Register**], the Fee Schedule contained in Section 0.467 of the Commission's rules, 47 CFR Section 0.467, is amended, as described herein.

List of Subjects in 47 CFR Part 0
Freedom of information.

FEDERAL COMMUNICATIONS COMMISSION

Marlene Dortch,
Secretary

Rule Changes

Part 0 of Title 47 of the Code of Federal Regulations is amended as follows:

Part 0 - COMMISSION ORGANIZATION

1. The authority citation for Part 0 continues to read as follows:

Authority: 47 U.S.C. 155, unless otherwise noted.

2. Section 0.467 (a)(1) is amended by revising the last sentence, the table in paragraph (a)(1) and its note, and paragraph (a)(2) to read as follows:

§0.467 Search and Review Fees:

(a)(1) * * * The fee is based on the grade level of the employee(s) who conduct(s) the search or review, as specified in the following schedule:

Grade	Hourly Fee
GS-1	10.72
GS-2	11.66
GS-3	13.15
GS-4	14.76
GS-5	16.51
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GS-10	27.56
GS-11	30.28

GS-12	36.29
GS-13	43.15
GS-14	51.00
GS-15	59.99

Note: These fees will be modified periodically to correspond with modifications in the rate of pay approved by Congress.

(2) The fees in paragraph (a) (1) of this section were computed at Step 5 of each grade level based on the General Schedule effective January 2002 and include 20 percent for personnel benefits.

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